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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,930	12/06/2001	John P. Del Favero JR.	770.02	9296

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EXAMINER
NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 September 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,5-10,12 and 14-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,5-10,12 and 14-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: _Detailed Action_.

DETAILED ACTION

1.   This application claims priority to Provisional Application No. 60286259 filed on April

24, 2001 and No. 60254298 filed on December 8, 2000.

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 09/02/2005 has been entered.

3.   In response to the communication dated 09/02/2005, claims 1-2, 5-10, 12, and 14-33 are

pending in this office action.

3. Acknowledges

4.   Receipt is acknowledged of the following items from the Applicant:

The applicant's amendments dated 09/02/2005 have been considered and made of record.

Claim Objections

5.   Claims 1 and 26 are objected to because of the following informalities:

As per claim 1, line 1, "Currently amended" should be changed to --previously presented-

-.

As per claim 26, line, "original" should be changed to --currently amended--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections

set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-2, 5-10, and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wilson (US 6,460,031), in view of Gobburu (US 6,736,322).

Regarding claims 1-7, 9 and 29-32, Wilson discloses a method for formulation of queries

for use in accessing information from a knowledge base (See col. 2, line 55-67), said method

comprising:

(a) displaying a first menu list of words or phrases (See col. 3, lines 1-3);

(b) receiving a first selection of at least one of the words or phrases in the first menu list

(See col. 3, lines 1-5);

Wilson is silent as to receiving user profile information associated with a user formulating the

queries. On the other hand Gobburu teaches receiving user profile information associated with a

user formulating the queries (See col. 22, lines 49-59, Gobburu et al.). It would have been

obvious to one having ordinary skill in the art at the time of the invention was made to formulate

queries based on user profile information as suggested by Gobburu. The motivation would have

been to provide more relevant results to users.

(d) obtaining a second menu list of words or phrases based on the first selection of at

least one of the words or phrases in the first menu list (See col. 3, lines 5-10, Wilson et

al.). And, the combination of Wilson and Gobburu suggests obtaining a second menu list

of words or phrases based on the user profile information so that focusing on user interest

by applying user profile information.

(e) receiving a second selection of at least one of the words or phrases in the second

menu list (See col. 5, lines 53-60).

(f) formulating a query from at least the first selection and the second selection (See col.

6, lines 20-44) as per claims 9.

wherein said obtaining (c) comprises dynamically generating the second menu list based on the

first selection of at least one of the words or phrases in the first menu list (See col. 3, line 4-5) as

per claims 2, 7, and 30.

wherein the query is a natural language phrase, sentence or question (See col. 2, lines 65-67, and

col. 6, lines 39-44) as per claims 5-6 and 31-32.

Regarding claim 8, Wilson/Gobburu discloses said obtaining (c) comprises selecting the

second menu list from a plurality of predetermined menu lists based on the first selection of at

least one of the words or phrases in the first menu list (See Fig. 4, and col. 5, lines 39-60, Wilson

et al.).

Regarding claim 10, Wilson/Gobburu discloses (f) displaying the query produced by said

formulating (e) (618, Fig. 6, Wilson et al.).

Regarding claim 33, Wilson/Gobburu discloses whereby the phrase, sentence or question is form through menu selections of words or phrases and thus without having to enter individual characters therefor (See Fig. 4, and col. 5, lines 39-60, Wilson et al.).

Regarding claim 23, Wilson/Gobburu discloses a method for retrieving information from a knowledge base for a user, said method comprising:

(a) constructing a natural language query from a series of user word or phrase menu selections, the series of user word or phrase menu selections being associated with a series of menus that are presented to user (See Figs. 4, 5, 6, and col. 5, line 39 to col. 6, line 44, Wilson et al.), and a user profile associated with the user as addressed above in claim 1;

(b) processing the natural language query to obtain a response from the knowledge base (See col. 6, line 57 to col. 7, line 15, Wilson et al.); and

(c) displaying the response to the user (See col. 7, lines 15-16, Wilson et al.).

Regarding claims 24 and 26, Wilson/Gobburu discloses a method for retrieving pertinent information from a data source for a user, said method comprising:

(a) displaying an initial menu of words or phrases (See col. 5, lines 61-54, Wilson et al.);

(b) receiving an initial user menu selection of at least one of the words or phrases of the initial menu (See col. 5, lines 64-66, Wilson et al.);

(c) obtaining a subsequent menu of words or phrases based on the s initial user menu selection (See col. 5, line 66 to col. 6, line 2, Wilson et al.) and user profile information associated with the user as addressed above in claim 1;

(d) displaying the subsequent menu of words or phrases(See col. 5, line 66 to col. 6, line 2, Wilson et al.);

(e) receiving a subsequent user menu selection of at least one of the words or phrases of the subsequent menu (See col. 6, lines 2-3, Wilson et al.);

(f) displaying an initial query in accordance with at least the to subsequent user menu selection (See col. 4, lines 42-49, also Fig. 6, and col. 6, line17-44, Wilson et al.);

(g) determining whether additional user menu selections are desired or needed (See Col. 6, lines 17-44, Wilson et al.);

(h) repeating said obtaining (c) through said displaying (f) until said determining (g) determines that no additional user menu selections are is desired or needed, wherein an updated query is displayed by said displaying (f) in accordance with at least the plurality of the subsequent user menu selections (See 618, Fig. 6, and Col. 7, lines 9-15, Wilson et al.);

(i) obtaining a response to the updated query (See Col. 7, lines 9-15, Wilson et al.); and

(j) presenting and displaying the response to the user (See col. 7, lines 15-16, Wilson et al.).

Regarding claim 25, Wilson/Gobburu discloses wherein said obtaining (i) comprises:

(i1) forming a request for the response to the updated query (See col. 7, lines 9-14, Wilson et al.);

(i2) transmitting the request to a remote server from which the response is

obtained (See col. 7, lines 13-15, Wilson et al.); and

(i3) receiving the response from the remote server (See col. 7, lines 15-16, Wilson

et al.).

Regarding claim 27, Wilson/Gobburu discloses wherein the words or phrases in the

initial menu are concepts (See Fig. 6, Wilson et al.).

Regarding claim 28, Wilson/Gobburu discloses wherein the initial query and the updated

query are natural language queries (See col. 2, lines 65-67, and col. 6, lines 39-44, Wilson et al.).

7.   Claims 12 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wilson (US 6,460,031), in view of Gobburu (US 6,564,210), and further in view of DeLorme

(US 5,948,040).

Regarding claims 12, 17, and 19, Wilson, in view of Gobburu, discloses all the claimed

subject matter as set forth above in claims 1-5. However, Wilson/Gobburu is silent as to use a

mobile computing device to operate the method of claims 1-5. On the other hand, DeLorme

discloses a mobile computing device using menus to generate queries (See 907, Fig. 9B, and col.

71, line 61 to col. 72, lines 3, and also see the abstract, DeLorme et al.). Since Wilson/Gobburu

uses computer system to operate the method of formulating queries using menus. It would have

been obvious to one having ordinary skill in the art at the time of the invention was made to

include a mobile computing device in the system of Wilson/Gobburu. The motivation would

have been to enhance the flexibility and convenience of the system so that the system can be

used anywhere. Wilson/Gobburu further discloses wherein the user word or phrase menu

selections with respect to earlier of the menus of the series of menus affects the particular words

or phrases in subsequent of the menus of the series of menus (See Fig. 6, Wilson et al.)

Regarding claim 14, Wilson/Gobburu/DeLorme discloses wherein the one or more

phrases, sentences or questions being constructed by said constructing (b) are natural language

phrases, sentences or questions (See col. 2, lines 65-67, and col. 6, lines 39-44, Wilson et al.).

Regarding claim 15, Wilson/Gobburu/DeLorme discloses (c) displaying the one or more

phrases, sentences or questions from said constructing (b) (See col. 4, lines 42-49, also Fig. 6,

and col. 6, line17-44, Wilson et al.);

Regarding claim 16, Wilson/Gobburu/DeLorme discloses wherein said displaying (c)

operates to incrementally update the one or more phrases, sentences or questions being displayed

as each of the series of user word or phrase menu selections are individually made (See col. 7,

lines 9-15, Wilson et al.).

Regarding claim 18, Wilson/Gobburu/DeLorme discloses wherein at least adjacent ones

of the menus in the series of menus have a grammatical and/or contextual relationship (See Fig.

4, Wilson et al.).

Regarding claim 20, Wilson/Gobburu/DeLorme discloses wherein said constructing (b)

operates to construct the one or more phrases, sentences or questions based on the series of user

word or phrase menu selections and based on one or more of user selection history, user

preferences, content or application (See col. 5, lines 1-10, Wilson et al.).

Regarding claim 21, Wilson/Gobburu/DeLorme discloses wherein the series of menus are

predetermined (See col. 5, lines 42-60, Wilson et al.).

Regarding claim 22. Wilson/Gobburu/DeLorme discloses wherein a plurality of the

menus in the series of menus are dynamically determined in response to menu selections (See

col. 3, line 4-5, Wilson et al.).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Drucker U.S Patent No. 6,292,796 discloses method and apparatus for improving access

to literature.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026.

The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the

organization where this application or proceeding is assigned are 571-273-8300 for regular

communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

MN
September 16, 2005

FRANTZ COBY
PRIMARY EXAMINER